

Appln No. 10/666,205
Amdt date March 27, 2009
Reply to Office action of February 4, 2009

REMARKS/ARGUMENTS

Claims 45 and 49 are pending in the application, and both claims stand rejected under 35 U.S.C. § 102(a) in view of Stampfer et al., Angew. Chem. Int. Ed. Vol. 41, No. 6 (2002), pp. 1014-1017. In addition, the specification is objected to because it contains an imbedded hyperlink. Applicants have now amended the application as indicated above by deleting the imbedded hyperlink, thereby obviating the objection. Applicants also inserted a missing right parenthesis after SEQ ID NO: 50, on p. 43. No new matter has been added. Applicants respectfully traverse the rejection under 35 U.S.C. § 102.

Attached hereto as Exhibits A-D are declarations from four of the named inventors: Birgit Kosjek, Kurt Faber, Wolfgang Stampfer, and Wolfgang Kroutil, indicating that they each invented the subject matter disclosed in Angew Chem Int. Ed., Vol. 41, No.6 (2002), pp. 1014-1017, and that the inventorship of the instant application is correct. Attached hereto as Exhibits E and F are, respectively, a declaration of Christian Moitzi and an English translation thereof. Mr. Moitzi states that he did not invent the subject matter of the present invention.

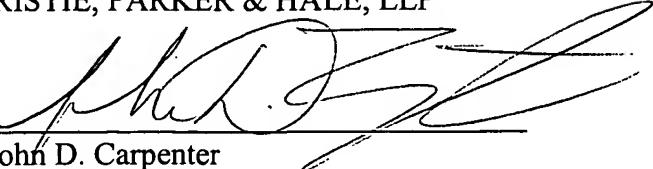
Stampfer, Kosjek, Faber, Kroutil, and Moitzi are the authors named in the cited reference. Applicants submit that these declarations provide a satisfactory showing that the subject matter described in the cited reference is not by "another" and, therefore, the reference does not defeat the novelty of the pending claims. Accordingly, a Notice of Allowance is respectfully requested.

In the event the Examiner has any remaining questions regarding the allowability of the application, he is invited to contact the undersigned by telephone (626-795-9900).

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

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